

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>SURGE TRANSPORTATION, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:24-cv-2099</b>
	)	
<b>DIRECT CONNECT LOGISTIX, INC.</b>	)	
	)	
<b>and</b>	)	
	)	
<b>MATTHEW R. MAY</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**NOTICE OF REMOVAL OF CIVIL ACTION**

Defendants Direct Connect Logistix, Inc. (“Direct Connect”) and Matthew R. May, by counsel, in a civil action brought by Plaintiff Surge Transportation, Inc. (“Surge Transportation”), which is presently pending as Case No. CL-2023-0015318 in the Circuit Court of Fairfax County, Virginia, hereby jointly file this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, on the grounds that this action is between diverse parties with more than \$75,000 in controversy. In support of its Notice of Removal, Defendants state as follows:

1. On October 27, 2023, Plaintiff filed a complaint against Defendants in the Circuit Court of Fairfax County (“State Court”), styled and captioned as *Surge Transportation, Inc. v. Direct Connect Logistix, Inc., et al*, and assigned Case No. CL-2023-0015318 (the “State Court Case”). A true and correct copy of the Complaint is attached hereto as Exhibit 1.
2. On October 22, 2024, the State Court issued Summons to both Defendants.

3. On October 25, 2024, Plaintiff served the Complaint and Summons on both Defendants by serving the Secretary of the Commonwealth. A true and correct copy of the Affidavits of Service are attached hereto as Exhibit 2.

4. This Notice of Removal is timely because it is being filed within the statutorily allowed thirty-day period after the date of service of the initial pleading. *See* 28 U.S.C. § 1446(b).

5. Plaintiff is a Florida corporation with its principal place of business in Florida. *See* Exhibit 1, ¶ 2. Therefore, for diversity purposes, Plaintiff is a citizen only of the state of Florida.

6. Direct Connect is an Indiana corporation, with its principal place of business in Indiana. *See id.*, ¶ 5. Therefore, for diversity purposes, Direct Connect is a citizen only of the State of Indiana.

7. Mr. May is domiciled, and permanently resides, in the State of New York. *See id.*, ¶ 6. Therefore, for diversity purposes, Mr. May is a citizen of New York.

8. The amount in controversy in the action is at least \$50 million. *See id.*, p. 16, ¶ 2.

9. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 and is between citizens of different States.

10. Pursuant to 28 U.S.C. § 1441(a), the State Court Case may be removed to this Court because the case meets the requirements for diversity jurisdiction in 28 U.S.C. § 1332 and no defendant is a citizen of Virginia.

11. Under 28 U.S.C. §§ 1441 and 1446, the State Court Case may be removed to the United States District Court for the Eastern District of Virginia, because it is the Federal District Court that embraces Fairfax County, Virginia within its jurisdiction.

12. Concurrent with the filing of this Notice of Removal, written notice thereof will be given to the Plaintiff, a true and correct copy of which is attached as Exhibit 3.

13. Concurrent with the filing of this Notice of Removal, written notice thereof will be filed with the Clerk of the Circuit Court for Fairfax County, Virginia. A true and correct copy of that Notice is attached as Exhibit 4.

14. In filing this Notice of Removal, Defendants do not waive and hereby expressly reserve the right to assert any and all defenses.

WHEREFORE, Defendants give notice that the above-captioned action is removed from the Circuit Court of Fairfax County Virginia to this Court.

Dated: November 22, 2024

Respectfully submitted,

/s/ Micah E. Ticatch  
Steven W. Ray, Va. Bar No. 32320  
Micah E. Ticatch, Va. Bar No. 83351  
ISLER DARE, P.C.  
1945 Old Gallows Road, Suite 650  
Vienna, Virginia 22182  
(703) 748-2690  
(703) 748-2695 (fax)  
sray@islerdare.com  
mticatch@islerdare.com

*Counsel for Defendants Direct Connect  
Logistix, Inc. and Matthew May*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of November I will electronically file the foregoing with the Clerk of Court using the CM/ECF system and will also serve a copy of the foregoing via electronic mail:

Wayne G. Travell, Esq. (VSB No. 22400)  
Allison P. Klena, Esq. (VSB No. 96400)  
HIRSCHLER FLEISCHER, P.C.  
1676 International Drive, Suite 1350  
Tysons, Virginia 22102-4940  
Tel: (703) 584.8900  
Fax: (703) 584.8901  
wtravell@hirschlerlaw.com  
aklena@hirschlerlaw.com  
*Counsel for Plaintiff*

/s/ Micah E. Ticatch  
Micah E. Ticatch, Va. Bar No. 83351  
ISLER DARE, P.C.  
1945 Old Gallows Road, Suite 650  
Vienna, Virginia 22182  
(703) 748-2690  
(703) 748-2695 (fax)  
sray@islerdare.com  
mticatch@islerdare.com

*Counsel for Defendants*